

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY TUSWEET SMITH,)	
)	
Plaintiff,)	Civil Action No. 07-1488
)	Judge Nora Barry Fischer
v.)	Magistrate Judge Caiazza
)	
SALLY A. FRICK, Esq.,)	
)	
Defendant.)	

MEMORANDUM ORDER

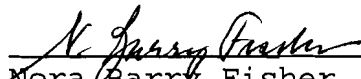
Anthony Smith's ("Smith" or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was filed along with a petition to proceed in forma pauperis on November 1, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on December 5, 2007, recommended that the action be dismissed as frivolous. The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration, the Luzerne County Correctional Facility, located in Wilkes-Barre, Pennsylvania. Objections were due on or before December 24, 2007, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 9th day of January, 2008,
IT IS HEREBY ORDERED that this action is DISMISSED.

The Report and Recommendation of Magistrate Judge Caiazza,
(Doc. 5), dated December 5, 2007, is adopted as the opinion of
the court.



Nora Barry Fisher
United States District Court Judge

CC:
ANTHONY SMITH, 07-09-107
Luzerne Couty Correctional Facility
99 Water Street
Wilkes-Barre, PA 18702